

	<b>Houston Independent School District Police Department Directives</b>	<b>DIRECTIVE: 440-006</b>
		<b>EFFECTIVE DATE: January 14, 2019</b>
	<b>SUBJECT: Conducted Energy Devices</b>	<b>REVISED DATE: January 28, 2022</b>

## **POLICY**

Conducted energy devices (CEDs) are intermediate weapons and are not substitutes for lethal force. However, officers who use force against any person must state the specific reasons for using force. CEDs are authorized for use against suspects who are actively resisting or exhibiting active aggression or preventing individuals from harming themselves or others.

In every situation in which a CED is discharged (air cartridge firing or drive stun), even if a suspect is not struck or stunned, officers shall notify the dispatcher and write a detailed incident report; and the on-scene supervisor shall write a supplement. See section 4 of this directive for exceptions. This directive applies to all employees.

## **DEFINITIONS**

**Accidental Discharge:** A CED air cartridge fires due to mechanical failure of the device or an unintentional discharge.

**Activation:** The act of depressing a CED trigger causing the CED to arc or fire probes.

**Active Aggression:** A threat or overt act of an assault (through physical or verbal means) coupled with the present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.

**Actively Resisting:** Physically evasive movements to defeat an officer's attempt at control, including bracing and tensing aggressively, pushing, or verbally signaling a clear and deliberate attempt to avoid or prevent being taken into or retained in custody. This also includes the suspect persisting with the aforementioned activities after being allowed to comply with an officer's commands.

**CED Cycle:** Duration of a CED electrical discharge following CED activation.

**CED Incident Checklist:** A checklist form to be used by supervisors when reviewing and supplementing another officer's incident or supplement report that documents a CED discharge. Officers who discharge a CED may also utilize this CED checklist as a guide when completing reports that document the incident. The CED checklist form is available on the department's Intra- net Portal.

**Conducted Energy Device (CED):** A weapon primarily designed to disrupt a subject's central nervous system by means of discharging electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

**Darted:** When the probes strike, a suspect (darts) fired from the CED.

**Discharge:** The intentional firing of a CED. This term also includes using a CED in a drive stun manner.

**DPM:** A CED's digital power magazine.

**Drive Stun:** When a CED with no air cartridge or a spent air cartridge is placed in direct contact with the body of an individual or an animal and discharged. This is generally the secondary option for the CED.

**Excited Delirium:** A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength, or endurance without fatigue.

**Exigent Circumstances:** Circumstances that would cause a reasonable person to believe a prompt action is necessary to prevent physical harm from occurring to anyone.

**Laser Pointing (Red Dotting):** Unholstering and pointing a CED at a person or animal and activating the laser-aiming device.

**Passive Resistance:** Physical actions or a lack thereof that do not prevent the officer's attempt to control. It is a tactic of civil disobedience and labor disputes (e.g., a person who remains in a limp, stiff, or prone position, refuses to comply with simple directions, participates in a sit-in, locks arms in a chain, or blocks an entryway).

**Red Dotting:** See Laser Pointing.

**Secondary Injury:** Physical trauma is indirectly associated with CED use (e.g., injuries from falls).

**Sensitive Areas:** A person's head, neck, groin area, or a male or female breast.

**Stun:** The proper term for using a CED is to jam and override the central nervous system or cause uncontrollable muscle tissue contractions when a suspect is darted or drive stunned.

## **CERTIFICATION AND TRAINING**

Before carrying or using a CED, an officer must have current model-specific certification from the Training Unit. Supervisors shall ensure their subordinates who carry a CED have attended initial and recertification training and are maintaining current certification.

Officers shall use only CEDs and CED-related equipment (DPMs, air cartridges, and holsters) approved by the Training Unit. No changes, alterations, or modifications are permitted to the device or the related equipment without the specific approval of the Training Unit.

Assigned CEDs shall be available for inspection, and officers shall qualify with them during their birthday month. Officers may not carry personally owned CEDs.

## **USE OF CEDS**

Officers must realize CEDs will not eliminate all physical confrontations posed by suspects. Officers should warn a suspect before activating the CED unless to do so would place any other person at risk. Officers shall not justify using a CED by intentionally placing themselves in imminent danger. Officers shall not display a CED in an unprofessional or unsafe manner.

Unless exigent circumstances exist, officers should not use a CED on a person:

- a) Sprayed with any chemical by any person outside the department.
- b) To protect property against destruction or damage.
- c) Only passively resisting.
- d) Handcuffed.
- e) Known to be mentally ill.
- f) Pregnant, elderly, visibly frail, or young children.
- g) Fleeing as the sole justification for the use of the CED.
- h) Who is in a location where a fall may cause substantial injury or death.
- i) Who is only verbally non-compliant.

Officers shall keep CED cycling to a minimum, especially against persons in excited delirium, and use only the force necessary to apply authorized restraint devices and effect an arrest. Officers shall constantly reassess the circumstances after each CED cycle.

Officers shall also refrain from knowingly discharging a CED around gas fumes, methamphetamine labs, aerosol chemical agents, or other flammable or combustible environments. Officers shall not discharge a CED at a person suspected of possessing or wearing an improvised explosive device (IED).

Unless exigent circumstances exist, officers should not use a CED on animals. CEDs shall not be discharged from a moving vehicle or at a moving vehicle or its occupants.

Red dotting can be an effective psychological tool. However, officers shall refrain from abusing the CED's laser pointer and should refrain from intentionally red dotting sensitive areas. Officers should not use red dot a person or animal unless the situation warrants the use of a CED.

Unless exigent circumstances exist, no more than one officer should activate a CED against a suspect at a time.

## **CED DISCHARGE**

### **Discharge**

Whenever a CED is discharged, the officer shall adhere to department directive 422-109, Response to Resistance and immediately notify the dispatcher. If the officer cannot notify a dispatcher, the most senior officer or supervisor at the scene shall contact the Emergency Communications Division (ECO).

Anytime officers discharge a CED in the direction of an individual or animal, whether contact is made or not, they shall notify the dispatcher and write a detailed incident or supplement report. The on-scene supervisor shall conduct an inquiry, write a supplement report, and complete a CED Incident Checklist form.

### **Accidental Discharge**

Whenever officers accidentally discharge a CED, they shall immediately notify their supervisor or the dispatcher.

The supervisor assigned to the CED incident shall conduct an inquiry. If the supervisor determines the incident was an accidental discharge and there is no injury or damage to property, the supervisor shall forward a letter to the officer's division commander outlining the circumstances of the discharge and the need for a replacement air cartridge.

If the only property is damaged, officers shall notify the dispatcher or their supervisor and write an incident or supplement report.

Anytime officers accidentally discharge a CED and strike an individual or animal, they shall notify the dispatcher and write a detailed incident or supplement report. The on-scene supervisor shall conduct an inquiry, write a supplement report, and complete a CED Incident Checklist form.

## **SERIOUS BODILY INJURY OR DEATH TO A PERSON**

Directive 422-109 defines serious bodily injury. If an officer discharges a CED and a serious bodily injury or death occurs, the officer shall notify the dispatcher. The dispatcher shall dispatch a supervisor to the scene.

## **OFFICER'S RESPONSIBILITIES**

Whenever an officer discharges a CED, that officer shall notify the dispatcher, who shall dispatch a supervisor. The officer shall generate an incident report or supplement an existing incident report. If more than one officer discharges a CED during an incident, each officer shall supplement the incident report describing their actions and observations.

The incident or supplement report shall document the incident following the guidelines in the CED Incident Checklist form, which include:

- a) Identify all officers on the scene when the CED was discharged.
- b) Identify all officers who discharged a CED during the incident.

- c) Specifically, state the reason to justify the discharge, including the suspect's behaviors and actions and any statements made by the suspect. The event shall be detailed in the report and not simplified to a statement such as "he was acting crazy" or "she failed to follow my commands."
- d) Specify the number of trigger activations.
- e) Describe the location on the suspect's body where the CED made contact either with darts or by drive stun.
- f) Identify the person who removed the darts (name and affiliation).
- g) Describe the suspect's medical condition and where and by whom the suspect was transported.
- h) Identify the person at the jail who was notified that the suspect was darted or drive stunned by a CED.
- i) Identify the name of the medical facility the suspect was transported to and the name of the person who was notified that the suspect was darted or drive stunned by a CED (if applicable).

Officers shall complete the incident or supplement report before going off duty.

### **DISPATCH RESPONSIBILITIES**

When notified of a CED discharge, the dispatcher shall send the officer's supervisor to the scene. If that supervisor is unavailable (e.g., off duty or on another call), the dispatcher shall contact the employee's captain.

### **SUPERVISOR'S RESPONSIBILITIES**

The supervisor dispatched to a CED incident shall charge the scene unless serious bodily injury or death occurs. In any case, the supervisor shall conduct an inquiry, write a detailed supplement report of the CED incident, and complete a CED Incident Checklist form. Supervisors shall also follow the applicable procedures in 422-109, Response to Resistance.

If a supervisor discharges a CED, another supervisor shall be dispatched to the scene to conduct the supervisory inquiry and complete a supplement report and other required paperwork and notifications.

The supervisor responding to the scene shall first check to see if anyone is injured. Emergency medical service shall be contacted if the suspect has been darted in a sensitive area or has sustained secondary injuries or if otherwise needed.

The supervisor shall conduct the supervisory inquiry of the CED incident and gather sufficient information to perform the following tasks:

- a) Notify the owner of any darted or drive-stunned animal.
- b) Contact on-duty Captain if the supervisor has any questions or the on-scene inquiry reveals a violation of department policy regarding the use of force as stated in Directive 422-109, Response to Resistance.
- c) Complete and email the Significant Event Report to the employee's captain before going off duty.
- d) Obtain the CED download data before going off duty.
- e) Issue new air cartridges.
- i. Ensure each officer involved wrote any critical incident or supplement report before going off duty and that the report contains sufficient details justifying the CED activation.
- f) Within five days following the incident, review the incident report and all accompanying supplement reports to ensure the inclusion of all necessary facts.
- g) Within five days following the incident, write a detailed supplement report of the CED incident. (See below.)
- h) Complete a CED Incident Checklist form.
- i) Upon completion, forward copies of the CED Incident Checklist, Significant Event Report, CED download data, email confirmation, and the incident and supplement reports to the captain.

The supervisor's supplement report shall be written using the CED supplement template and shall include all of the following:

- a) Name and employee number of the officers discharging a CED.
- b) Description of location of dart strikes or drive stun.
- c) Name and affiliation of the person who removed the darts.
- d) Medical condition of the suspect and where and by whom the suspect was transported.
- e) Make, model, and the serial number of the CED and the air cartridges used.
- f) CED download data, including the date, time, number of activations, and duration of the CED cycles. A CED download shall be done for each CED device discharged during the incident. The date range of the download shall be sufficient to capture the time from the beginning of the officer's shift until the discharge.

The narrative of the supervisor's supplement shall include:

- a) Date and time the supervisor arrived at the scene.
- b) Officer, witness, suspect, or repartee statements not already included in the incident or supplement reports.
- c) A brief statement reiterating the officer's justification to activate the CED.
- d) A brief statement that the supervisor reviewed the incident report and contained all the required facts according to this directive.

## **CAPTAIN'S RESPONSIBILITIES**

Captains should designate the Training Unit to verify CED Incident Checklist forms and attachments, coordinate CED equipment and issues, and follow CED records retention policies. Captains shall review all CED reports generated by personnel under their command and ensure the reports contain detailed justification for the CED activation.

## **CED DISCHARGE OUTSIDE THE DISTRICT JURISDICTION**

### **Serious Bodily Injury to a Person**

If a discharge occurs outside of district property and serious bodily injury or death of a person occurs, officers shall immediately contact the law enforcement agency having jurisdiction, appropriate medical personnel, and the Chief of Police. The below procedures shall then be followed:

- a) Upon receiving notification, dispatch shall immediately notify the on-duty Captain and a supervisor within the officer's immediate command. If on-duty Captain go to the scene, they shall investigate in accordance with HISD PD policies and procedures.
- b) Unless otherwise directed by an HISD PD supervisor, the officer involved in the incident shall generate an HISD PD incident or supplement report as soon as possible.

### **No Serious Bodily Injury to a Person**

If a discharge occurs outside of district property and there is no serious bodily injury to any person, the below-listed procedures shall be followed:

- a) The officer involved in the CED discharge shall, as soon as possible, notify the responsible agency having jurisdiction.
- b) The officer shall fully comply with the investigation conducted by the responsible agency.
- c) The officer shall obtain a copy of any report generated from the investigation and forward the copy through the chain of command to the

officer's assistant chief with a cover letter explaining the CED discharge incident.

- d) If no report is generated, the officer shall write a letter explaining the CED discharge incident and send it to the officer's assistant chief through the chain of command.

## **CED EVIDENCE**

The unique air cartridge number that correlates with the Anti-Felon Identification (AFID) tags shall be documented in all CED incident reports if the taser possesses AFID.

CED probes and AFID tags shall be collected and preserved as evidence only for incidents in which:

- a) A suspect has been darted in a sensitive area or has sustained a serious bodily injury.
- b) A suspect has sustained a secondary injury needing medical treatment.
- c) An officer has sustained an injury needing medical treatment, and the injury is related to the CED incident.
- d) Officers believe the CED evidence may be needed in a future investigation or hearing.

If CED probes are not collected for evidence, they shall not be left at the scene or thrown away. Officers shall consider the probes as "used needles" or "sharps" waste, and they shall be disposed of in proper "sharps" disposal receptacles located at any jail facility or with permission in any other proper disposal receptacles (e.g., at hospitals and in ambulances).

## **CARRYING A CED**

Officers trained in the use of and issued a CED shall wear it at all times while wearing the official uniform, even while working extra employment, except as authorized by a directive or as directed by a supervisor. The CED shall be worn in a cross-draw manner as approved by the department.

Officers may also carry an approved cartridge pouch for carrying a spare CED air cartridge (in place of attaching the air cartridge to the handle of the CED). However, the department does not furnish this pouch, and the officer must purchase it.

Officers in plainclothes, whether on or off duty, are not required to carry a CED. However, officers who have been issued a CED should carry it when there is an expectation of making an arrest or participating in an arrest situation.

All plainclothes or off-duty officers who carry a CED shall abide by the same use policies as uniformed officers. A CED carried by an on-duty plainclothes officer shall be carried in an approved holster attached to the officer's belt in a cross-draw manner. A CED

may also be carried in a purse or a pack, but the device should be housed in a protective holster or case.

## **CED SPARK TEST**

Officers shall conduct a one-second spark test at the beginning of their shift to keep the internal CED capacitor charged and avoid delayed spark or software corruption. If there is a delayed response during the test, officers shall conduct an additional five-second spark test.

Roll call supervisors shall document witnessing spark tests on the roll call sheet and ensure all officers on the sheet conducted a spark test. All other officers carrying a CED on duty, whether in uniform or plainclothes, shall conduct a one-second spark test in front of a supervisor and shall document the test separately. This documentation should be kept for a minimum of 90 days.

Uniformed officers working extra employment shall conduct a one-second spark test at the beginning of their extra employment if they are issued a taser. The test shall be conducted out of public view and documented separately. This documentation should be kept for a minimum of 90 days.

Officers may test their CEDs more frequently if there is an operational reliability concern (e.g., the unit gets wet or dropped). When the CED is tested for reliability concerns, a supervisor must be present, and the circumstances regarding the test must be documented separately, preferably on the roll call sheet.

All officers who are not mandated by a directive to carry their issued CED daily or extra employment shall conduct a spark test at least once a week. The test shall be documented separately, and this documentation should be kept for a minimum of 90 days.

## **DAMAGED, MALFUNCTIONING, OR WET CEDS**

When a CED is needed, officers shall follow the replacement procedures outlined in this directive.

### **Damaged or Malfunctioning CEDs**

Officers shall not carry any CED that shows obvious signs of damage (beyond normal wear) or is malfunctioning.

If a CED is dropped or officers think there may be a problem with their CED, they shall conduct a thorough inspection of the unit, looking for any possible signs of damage (e.g., broken central information display or a cracked laser or flashlight lens) before it is used.

Warning: Officers are advised even after a CED has been checked and no apparent damage is found, the CED may accidentally discharge when the safety switch is placed in the up (Armed) position.

## **Wet CEDs**

A CED exposed to extreme moisture may discharge with the safety switch still in the down (Safe) position due to short-circuiting of the electronic components.

## **Static Electricity**

Warning: A CED exposed to extreme amounts of static electricity may discharge with the safety switch still in the down (Safe) position due to short-circuiting of the electronic components.

## **CED INSPECTION PROCEDURES**

When a CED malfunction, is suspected of being damaged or becomes wet or exposed to extreme moisture, officers shall not move the safety switch to the up (Armed) position until the following procedures are performed:

- a) Immediately remove the air cartridge and do not replace it until the device is checked as described below and functions normally.
- b) Remove the CED's DPM.
- c) Thoroughly inspect the CED for damage or moisture.
- d) If exposed to moisture or rain, wipe the CED thoroughly with a dry cloth.
- e) If there is any visible moisture inside the DPM well, officers shall follow the procedures outlined in section 11 of this directive. If no moisture is found in the DPM well, officers shall ensure all components are completely dry for at least 24 hours before reinserting the DPM.
- f) If no damage is detected and the CED is thoroughly dried (after the 24-hour waiting period), insert the DPM and place the safety switch in the up (Armed) position. If the weapon discharges without pulling the trigger, place the safety switch down (Safe) and remove the DPM. The CED is unsafe and is not to be used in any manner.
- g) If the weapon does not accidentally discharge, officers shall conduct a full five-second spark test in front of a supervisor. A rapid pulse should occur, and the discharge should stop after five seconds. Officers shall conduct the wet and damaged test in front of a supervisor. The supervisor shall document the test on the roll call sheet.
- h) If the CED does not operate normally, place the safety switch in the down (Safe) position, remove the DPM, and follow the steps in section 11 of this directive.
- i) Place the safety switch in the down (Safe) position if the CED functions normally and replace the air cartridge. The device can now be carried.

## **DART REMOVAL**

Any CED-certified officer may remove CED darts from suspects if there is no indication for medical personnel to be called to the scene.

In addition to those situations in which an ambulance would normally be called to a CED scene, medical personnel shall be immediately summoned to the scene if any of the following are true:

- a) A person is darted in a sensitive area.
- b) A dart is too deeply embedded for easy removal.
- c) The person exhibits an adverse reaction.
- d) The person has a significant secondary injury.

Under unusual circumstances and if there are no signs of acute injury or illness, suspects may be transported to a jail facility with CED darts still embedded (e.g., there is a need to immediately remove the suspect from the scene as a matter of scene or suspect control or there is an anticipated delay in the arrival of medical personnel). There, jail medical staff can remove the darts.

## **JAIL BOOKING**

Before booking a prisoner, who has been darted, officers shall notify the jail medical screener that the suspect has been darted or drive stunned by a CED. If the medical screener is not available, then the on-duty jail supervisor shall be notified. "CED Event" must be written on the Houston ISD Police Department Jail Booking Blotter form where the physical condition of the prisoner is noted so that medical screeners can review the information to determine the need for further monitoring or medical evaluation.

## **CED, DPM, HOLSTER OR AIR CAR- TRIDGE REPLACEMENT**

When any CED equipment (CED, DPM, holster, or air cartridge) needs replacing for any reason, the following steps shall be followed:

- a) Officers shall immediately notify their supervisor of why a replacement is needed.
- b) The supervisor shall determine if a replacement is warranted.
- c) Upon approval from a supervisor, the officer shall report to the Training Unit or other designated station to obtain a CED equipment replacement. CED equipment may be exchanged by only the employee assigned the equipment requiring replacement.

## **LOST, STOLEN, OR DAMAGED CED EQUIPMENT**

When loss, theft, negligence, or abuse of a CED or any CED equipment occurs, officers and supervisors shall follow 430-006 District and other Government Property

guidelines. In order for officers to obtain any CED equipment replacement due to loss, theft, negligence, or abuse, they shall follow the procedures listed earlier in this section and also provide copies of the following documents to the replacement location:

- a) The incident report with the item's serial number (if applicable) is listed in the Article section.
- b) The supervisor's administrative letter to the division commander.

### **CED EQUIPMENT REPLACEMENT LOCATIONS**

During normal business hours, officers may obtain all approved CED equipment replacements at the Training Unit's CED office.

### **RETURNING CED EQUIPMENT DUE TO RETIREMENT OR SEPARATION**

Officers retiring or separating from the department must turn in their issued CED and all CED equipment to the Training Unit.

### **AUDITS**

The Patrol captains shall periodically conduct random audits of CED data downloads and reconcile Response to Resistance reports with recorded activations.

Approved By

  
Pedro Lopez Jr., Chief of Police